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UZ, KZ

SUBJECT: KAZAKHSTAN: NDN AND OVERFLIGHT ISSUES STILL UNRESOLVED

Classified By: Ambassador Richard E. Hoagland, 1.4 (A), (B), (D)

REF: A. 09 ASTANA 2272
[1](#)B. 09 ASTANA 2273
[1](#)C. ASTANA 0002

[1](#)1. (S/NF) SUMMARY: During a January 11 meeting, Deputy Foreign Minister Kairat Umarov told the Ambassador that the Kazakhstani government still is discussing U.S. requests to amend the 2001 overflight and 2009 Northern Distribution Network (NDN) agreements (ref A). He communicated his plan to present a draft overflight agreement in the near future. Umarov also relayed concerns expressed by some Kazakhstani agencies regarding the surface transportation of wheeled armored vehicles for transporting troops (MATVs), concluding that permission is unlikely, but negotiations continue. Umarov again pressed for specific information about the alleged sale of yellowcake to Iran (ref B). The Ambassador responded to Kazakhstani concerns about the human-rights certification language (ref C). END SUMMARY.

INTERNAL DISCUSSION CONTINUE ON OVERFLIGHT

[1](#)2. (S/NF) Arriving late to their January 11 meeting, Deputy Foreign Minister Kairat Umarov told the Ambassador that he just concluded an interagency discussion of the U.S. request to add a north-south overflight path at which "some agencies expressed some specific issues." Without elaborating on these questions, Umarov asserted that the Foreign Ministry is drafting an agreement, which will then be circulated within the Kazakhstani government for comment. After collection of these responses, Umarov stated his plan to pass the draft agreement to the U.S. government for discussion. He expressed interest in receiving a high-level military delegation at that stage in the process.

LAND TRANSIT OF MATVS UNLIKELY

[1](#)3. (S/NF) Umarov relayed the concern of "other agencies" that the surface transit of MATVs would increase Kazakhstan's susceptibility

to terrorist acts. Furthermore, even if the vehicles were placed in containers, intelligence leaks could reveal the contents, he said, thus negating the concealment effect of the crates or containers. Umarov also raised more technical (and what seemed to us extraneous) questions about the containers, including their potential size and weight and whether they would require special rail flatcars or even modifications to the rail tracks themselves. Finally, Umarov underlined that no precedent existed to allow the land transportation of MATVs -- or troops -- through Kazakhstan's territory. According to Umarov, the Kazakhstani government refused to allow the transit of Chinese equipment during a military exercise last year. "We would need to work out a document to regulate the transit beforehand. We cannot simply tell the United States 'yes' because we will have to explain why to the Chinese." Terming a positive response "unlikely," he concluded, "Discussions continue, but already there were some negative responses." The Ambassador underlined the importance of these requests in light of troop increases in Afghanistan.

SPECIFIC INFORMATION NEEDED ON ALLEGED YELLOWCAKE NEGOTIATIONS

14. (S) Umarov relayed to the Ambassador that Kazakhstan's internal probe into alleged negotiations between a KazAtomProm subsidiary and Iran for the covert sale of yellowcake uranium to Iran is continuing but that additional, specific information would assist the government's investigation. Recalling Senator Casey's opening remarks about Kazakhstan's uranium production during the December 15 testimony of Deputy Assistant Secretary for South and Central Asian Affairs George Krol, Umarov also requested a stronger statement from the United States on U.S.-Kazakhstan export-control and non-proliferation cooperation. "When you leave these issues unattended, they spread around. We do not proliferate," he asserted.

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The Ambassador categorically denied a link between the yellowcake press report and Senator Casey's statement, which Umarov seemed to have implied.

HUMAN RIGHTS CERTIFICATION LANGUAGE CONTINUES TO ANNOY

15. (C) To address Umarov's December 31 concerns about U.S. Congressional human rights certification language, the Ambassador emphasized that the United States does not equate the human rights situations in Kazakhstan and Uzbekistan. He highlighted previous discussions with Congressional staffers who had indicated their efforts to remove the language, but that the conviction of human-rights activist Yevgeniy Zhovtis had killed this effort. "It is true that no country is named in the legislation," he said, "but that does not mean that Uzbekistan and Kazakhstan are on the same level. Every country is in a different place. I encourage you to take more steps to address democracy and human rights issues, which will eventually lead to the removal of the certification process."

16. (C) To respond, Umarov handed a copy of the human rights certification language to Nurgali Arystanov, Counselor at the Americas Desk of the Foreign Ministry. Arystanov focused his complaints on the legislation's exclusion of expanded international military education and training, which Uzbekistan receives, concluding that Uzbekistan now can obtain "defense articles" outside the scope of certification. The Ambassador explained that the United States slowly and cautiously is working to normalize relations with Uzbekistan, while the bilateral relationship with Kazakhstan has long been and continues to be good. [NOTE: While walking the Ambassador out of the Foreign Ministry, Arystanov continued to obsess on fine details in the certification language. The Ambassador again suggested that it is time to look at the bigger picture of the bilateral relationship. END NOTE.]

RELATIONSHIP POSITIVE ON THE WHOLE

17. (C) Umarov responded that he wanted "to bring it to your attention that we do not like the situation." Regarding the overall relationship, Umarov relaxed a bit and asserted his generally positive assessment. "It is sad that we have these issues. I only want to point out the ones that could worsen the relationship. On the whole, the relationship is working fine," he concluded.

18. (S) COMMENT: We suspect that the "other agencies" Umarov refers to that are raising objections to the expansion of overflight and NDN are Kazakhstan's intelligence agencies, specifically the Committee for National Security (KNB). While the KNB might have legitimate security concerns, we suspect they are possibly a pretext, and that the old-guard faction in the government currently has the upper hand. This might explain, too, the continuing hypersensitivity about the Congressional certification language. State Secretary-Foreign Minister Saudabayev's February 1-4 visit to Washington will be a key opportunity to air these issues frankly and to try to remove some of the current irritations. END COMMENT.

HOAGLAND